

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE BARNETT, *et al.*,
Plaintiff,
v.
UNKNOWN,
Defendant.

Case No. 2:22-cv-00256-JDP (PC)

ORDER DIRECTING MR. BARNETT AND
MR. HILEY TO SUBMIT A COMPLAINT
AND EITHER THE FILING FEE OR AN
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

ECF No. 14

Maurice Barnett and Marquise Hiley are state prisoners without counsel. This action was opened when they submitted to the court a letter describing an altercation they had with correctional officers.¹ Mr. Barnett and Mr. Hiley have not properly commenced a civil action.

To commence a civil action, a party is required to file a complaint and either pay the \$402.00 filing fee or file an application to proceed *in forma pauperis*. See Fed. R. Civ. P. 3; 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Accordingly, Mr. Barnett's motion for an extension of time, ECF No. 14, will be disregarded. The court, however, will afford Mr. Barnett and Mr. Hiley an opportunity to file a signed complaint and to either submit the filing fee or file an application to proceed *in forma pauperis*.

¹ The letter was originally submitted to the United States District Court for the Northern District of California, but the action was subsequently transferred to this district.

Accordingly, it is hereby ORDERED that:

1. Mr. Barnett's motion for an extension of time, ECF No. 14, is disregarded.

2. The Clerk of the Court shall send both Mr. Barnett and Mr. Hiley the court's form for filing a civil rights action and an application to proceed *in forma pauperis*.

3. Mr. Barnett and Mr. Hiley shall submit, within thirty days, a complaint that states the grounds for relief. They shall submit only one complaint, but it must be signed by both Mr. Barnett and Mr. Hiley.

4. Within thirty days of the date of this order, Mr. Barnett and Mr. Hiley shall either pay the \$402 filing fee or submit separate applications to proceed *in forma pauperis*.

5. Failure to comply with this order may result in this case being closed.

IT IS SO ORDERED.

Dated: April 12, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE